

Message Text

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SUB: CLEARANCE OF DRAFT HUMAN RIGHTS REPORT: GHANA

REF: STATE 273908

1. WE HAVE REVIEWED THE DRAFT STATEMENT INCLUDED IN REFTEL AND BELIEVE THAT IT GENERALLY PRESENTS AN ACCURATE PICTURE OF THE STATUS OF HUMAN RIGHTS IN GHANA. THE FOLLOWING SUGGESTED CHANGES ARE PUT FORWARD TO UPDATE AND ELABORATE ON PARTS OF THE DRAFT.

2. SECTION I. POLITICAL SITUATION. SENTENCE 4 SHOULD BE CHANGED TO READ "THE SMC, WHICH SERVES AS THE NATIONS' POLICY MAKING BODY, IS COMPOSED OF HEAD OF STATE AS CHAIRMAN, THE CHIEF OF DEFENSE STAFF, THE COMMANDERS OF MILITARY FORCE COMPONENTS AND THE HEAD OF THE GHANA POLICE." THE FOLLOWING SHOULD BE INSERTED IN SENTENCE 9 "...AN ACTIVEBAR ASSOCIATION..." SENTENCE 10 SHOULD BE ELIMINATED AND REPLACED BY THE FOLLOWING: "IN LATE SEPT 1976 THE GHANA BAR ASSOCIATION CALLED FOR A RETURN TO CIVILIAN RULE BY 1978. THE INITIAL RESPONSE TO THIS CALL WAS A GOVERNMENT INSPIRED OUTPOURING OF PLIC SUPPORT FOR THE SMC AND PUBLIC DENUNCIATION OF THE OLD PARTY-STYLE POLITICS, WHICH WAS CARRIED IN THE GOVERNMENT OWNED/CONTROLLED MEDIA. THIS CAMPAIGN ENDED IN MID-OCT 1976 WHEN ACHEAMPONG BROACHED THE IDEA THAT GHANA NEEDED A UNION

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GOVERNMENT, NOT A GOVERNMENT BASED ON PARTY POLITICS. IT IS

NOT CLEAR WHAT A UNION GOVERNMENT IS, BUT IT WOULD APPARENTLY INCLUDE CIVILIAN PARTICIPATION IN THE GOVERNMENT AND WOULD EXCLUDE POLITICAL PARTIES, ALTHOUGH IT IS POSSIBLE THAT SOME SORT OF NON-PARTY ELECTORAL SYSTEM MIGHT EVOLVE. THE GOVERNMENT HAS ACTIVELY ENCOURAGED PUBLIC DEBATE ON THE SUBJECT OF UNION GOVERNMENT AND THE RESPONSE HAS GENERALLY BEEN FAVORABLE, ALTHOUGH MANY PEOPLE SAY THEY WANT MORE INFORMATION ON WHAT A UNION GOVERNMENT IS."

3. SECTION II. LEGAL SITUATION. SENTENCE 7 SHOULD BE CHANGED TO READ: "THE SUPREME COURT, WHOSE FUNCTION WAS TO INTERPRET THE NOW-SUSPENDED CONSTITUTION, WAS ABOLISHED BY THE MILITARY GOVERNMENT, ALTHOUGH THE CHIEF JUSTICE CONTINUES IN OFFICE; THE REMAINDER OF THE CIVIL JUDICIAL SYSTEM HAS CONTINUED TO FUNCTION." SENTENCE 8 SHOULD BE CHANGED TO READ "MILITARY TRIBUNALS AND SPECIAL COURTS HAVE BEEN CREATED FOR CASES FALLING WITHIN THE GENERAL CATEGORY OF SUBVERSION."

SENTENCE 9 SHOULD BE CHANGED TO READ "TRIALS BY MILITARY TRIBUNALS AND SPECIAL COURTS, LIKE THOSE OF CIVIL COURTS, ARE USUALLY HELD PROMPTLY AND OPENLY. Z A SENTENCE SHOULD BE ADDED AFTER SENTENCE 9 READING "WHILE VERDICTS FROM CIVIL AND SPECIAL COURTS ARE APPEALABLE TO THE COURT OF APPEAL, THERE IS NO RIGHT TO APPEAL THE VERDICT OF A MILITARY TRIBUNAL."

4. WE ASSUME THAT ARTICLE 3 UNDER "INTEGRITY OF PERSON" SHOULD READ "THE RIGHT OF LIFE, LIBERTY AND SECURITY OF PERSON SEEMS WELL PROTECTED IN GHANA" INSTEAD OF "WELL RESTRICTED" AS RECEIVED REFTEL.

5. ARTICLE 5. THE FOLLOWING SHOULD BE ADDED AFTER SENTENCE 2: "IT SHOULD BE NOTED, HOWEVER, THAT TESTIMONY HAS BEEN GIVEN BY DEFENDANTS AT TWO RECENT TRIALS THAT TORTURE WAS EITHER USED OR THREATENED TO OBTAIN STATEMENTS FROM THEM. ONE OF THESE DEFENJANHS STATED THAT HE HAD SEEN PEOPLE RETURNING FROM INTERROGATION SESSIONS SHOWING SIGNS OF PHYSICAL ABUSE. HOWEVER, THE EMBASSY HAS NO EVIDENCE THAT TORTURE OR PHYSICAL ABUSE IS USED IN INTERROGATING PRISONERS AND BELIEVES IT IS NOTEWORTHY THAT THE GOVERNMENT ALLOWED THIS TESTIMONY TO BE MADE AND WIDELY REPORTED IN THE PRESS."
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6. ARTICLE 9. SENTENCE 3 SHOULD BE CHANGED TO READ "ALL THIRTEEN PERSONS DETAINED AT THE END OF 1975 IN CONNECTION WITH A REPORTED COUP PLOT HAVE BEEN TRIED; OF THESE, SEVEN WERE SENTENCED TO DEATH, THREE WERE GIVEN LONG PRISON TERMS, TWO WERE FOUND NOT GUILTY AND ONE HAD HIS SENTENCE COMMUTED." THE FOLLOWING SHOULD BE INSERTED BETWEEN THE PRECEDING SENTENCE AND SENTENCE 4: "IT IS EXPECTED THAT ALL THE DEATH SENTENCES WILL

BE COMMUTED TO PRISON TERMS IN JANUARY 1977."

7. B. OTHER IMPORTANT FREEDOMS. WHILE PRESS FREEDOM OFFICIALLY EXISTS IN GHANA, AND WHILE THE GOG DOES NOT UNDERTAKE TO DIRECT THE DAY-TO-DAY CONTENT OF THE MEDIA (MOST OF WHICH ARE GOVERNMENT-OWNED) IT DOES NOT HESITATE TO EXERT CONTROL OVER PRESS TREATMENT OF SPECIFIC ISSUES WHERE IT FEELS GOG INTERESTS ARE SIGNIFICANTLY INVOLVED.

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